

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SNOHOMISH COUNTY

FILED

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HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO. WASH

IN RE THE MATTER OF  
THE RESPONSE BY SNOHOMISH  
COUNTY SUPERIOR COURT TO THE  
PUBLIC HEALTH EMERGENCY IN  
SNOHOMISH COUNTY AND THE STATE OF  
WASHINGTON

) 2020-7005-31A  
) NO.  
)  
) EMERGENCY ORDER #3  
) RE: JUVENILE COURT OPERATIONS  
)  
)

THIS MATTER COMES BEFORE THE COURT on the public health emergency in Washington State and in Snohomish County. The actions set forth herein will take effect on Tuesday, March 18, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

1. On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under Section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19.
2. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19).
3. Effective March 1, 2020, Donald J. Trump, President of the United States of America, proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency.
4. On March 4, 2020, Snohomish County Executive Dave Somers declared a state of emergency in Snohomish County due to COVID-19.
5. On March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions, NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, IT IS HEREBY ORDERED THAT:

1. The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency;
  2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;
  3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable.
6. Dr. Christopher Spitters, the Health Officer for Snohomish Health District, signed Health Officer's Order No. 20-059 which referenced in relevant part, "Events with fewer than 250 attendees are prohibited unless event organizers take the following steps to minimize risk: Older adults and individuals with underlying medical conditions that may increase the risk of serious COVID-19 are encouraged not to attend(including employees); social distancing recommendations must be met (i.e. people staying 6 feet from each other, aside from momentary and minimal contact at closer distances when absolutely necessary); employees must be screened for coronavirus symptoms each day and excluded if symptomatic; proper hand hygiene and sanitation must be readily available to all attendees and employees; and environmental cleaning guidelines from U.S. Centers for Disease Control and Prevention (CDC) are followed (e.g. clean and disinfect high-touch surfaces daily or more frequently)."
7. On March 12, 2020, Governor Jay Inslee ordered all K-12 public and private schools in King, Snohomish and Pierce Counties to close by March 17, 2020 and remain closed until April 24, 2020.
  8. On Monday, March 16, 2020, Governor Jay Inslee mandated a two week closure of all restaurants, bars, entertainment and recreational facilities, and reduced large gathering limits from 250 to 50 people. The Governor stated, "We must limit the number of people we come in contact with."

9. Currently, there are over 675 confirmed cases of COVID-19 in the state of Washington, with 176 of these confirmed cases being from Snohomish County. There are currently 42 deaths statewide with four being in Snohomish County. There are still pending 78 suspect cases.
10. Snohomish County Executive Dave Somers announced the restriction of public access to select county facilities, primarily those in the Administration Buildings on the county campus, beginning on March 17, 2020. These county facilities will be closed to the public until further notice, with limited exceptions.
11. Given the significant number of identified and projected cases of COVID-19 in Snohomish County and the severity of risk posed to the public, court personnel and litigants, and given the recommendations from the Snohomish Health District, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602 and the authority as Presiding Judge of the Snohomish County Superior Court, that the following measures shall be in effect March 18, 2020 in Snohomish County Juvenile Court. This order supplements Emergency Order #2:

#### Offender Matters in Juvenile Court

1. All out-of-custody offender fact findings are CONTINUED until at least April 24, 2020. All in-custody offender fact findings will maintain their current trial schedule, absent a finding of good cause made on a case-by-case basis.
2. Due to the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances by this Emergency Order shall be excluded in computing time for trial pursuant to JuCR 7.8(b). The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays in the time for trial

are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by JuCR 7.8(e)(7).

3. For the dates of March 19, 2020 and March 26, 2020, out-of-custody defendants need not appear for the offender trial confirmation calendar. No Warrants will be issued solely for failing to appear at the hearing. The attorneys for each respondent will confer with the assigned Deputy Prosecuting Attorney and determine whether the case is confirming for trial, setting a plea hearing or requesting an agreed trial continuance, with proposed new dates beyond April 24, 2020. Those orders will be prepared by the parties and submitted to the court for approval ex parte.
4. Until further notice, the Offender Docket and Motions calendar held on Mondays shall be moved from 10:30 a.m. to 11:00 a.m. The Offender Docket and Motions calendar held on Tuesday, Wednesday and Thursday will remain at 10:30 a.m. On that calendar the Court will hear Probable Cause hearings, Arraignments, Warrant Requests and Returns, Motions to Quash Warrants, Bail Review hearings (with proper notice given), Revocations (urgent matters only), and Truancy and ARY warrant/quash requests. Except for Arraignments, Motions to Quash Warrants and Revocations, the calendar is limited to in-custody offenders only. The Offender Motion and Docket Calendar on Fridays will be cancelled. Probable Cause hearings and warrant requests on Fridays will be heard on the SAU calendar at 10:30 a.m. Previously scheduled out-of-custody matters on the Offender Docket and Motion calendars for dates in March 2020 and April 2020 will be reviewed by the Deputy Prosecuting Attorney and Respondent's attorney to determine which cases should remain on the calendar; all other cases will be stricken and continued to a date after April 24, 2020. A separate order shall be prepared for each case that will be continued. The parties shall

provide the Court with one (1) day advance notice of the matters that will go forward on each date.

5. All offender arraignments set on the 9:00 a.m. Monday Arraignment Calendars on March 23, 2020, March 30, 2020, April 6, 2020, April 13, 2020 and April 20, 2020 will be moved to the 11:00 a.m. Offender In-custody Docket and Motions Calendar on that same day.
6. All cases set on the 9 a.m. Plea and Disposition calendar on Wednesdays on March 18, 2020, March 25, 2020, April 1, 2020, April 8, 2020, April 15, 2020 and April 22, 2020 will be reviewed by the assigned Deputy Prosecuting Attorney and Respondent's attorney and a case-by-case determination will be made as to whether the matter should proceed as scheduled or be continued to a date after April 24, 2020. A separate order shall be prepared for each case that will be continued. The parties shall provide the Court with one (1) day advance notice of the matters that will go forward on each date.
7. Except for cases where an agreed order has been reached, all cases on the 2:00 p.m. Thursday Sealing calendars shall be CONTINUED to a date after April 24, 2020. Agreed orders may be reviewed and entered ex parte. The Prosecuting Attorney's Office shall prepare orders on each case previously calendared on dates in March 2020 and April 2020 continuing each case to a date after April 24, 2020.
8. Until further notice, the 9:30 Friday Sexual Assault Unit (SAU) Offender calendar will be moved to 10:30 a.m. The SAU calendar is limited to 4 cases per week, except for Arraignments and Probable Cause hearings on SAU and non-SAU matters. Priority for scheduling cases on a calendar shall be given to in-custody offenders. Each case previously set on the calendar for dates in March 2020 and April 2020 will be reviewed by the assigned Deputy Prosecuting Attorney and Respondent's attorney and a case-by-case determination will be made as to whether the matter should proceed as scheduled or be continued to a date

after April 24, 2020. A separate order shall be prepared for each case that will be continued. The parties shall provide the Court with one (1) day advance notice of the matters that will go forward on each date.

#### Dependency Matters in Juvenile Court

9. The Court finds that unforeseen exigent circumstances exist that require the continuance of dependency hearings and, in some cases, extending those hearings beyond the typical statutory time frames. Accordingly, the following dependency hearings for the months of March 2020 and April 2020 shall be CONTINUED to a date after April 24, 2020, unless an agreed order is entered by the parties: Termination Preliminary Hearings; Dependency Publication/Default Preliminary Hearings; Dependency Review and Permanency Planning Hearings; Dependency and Guardianship Preliminary Hearings; Dependency Fact Findings, Dependency Settlement Conferences, Unified Family Court Preliminary Hearings and Special Set Dependency Hearings previously scheduled on Fridays at 10 a.m. For cases that are continued, the attorneys assigned to each case shall confer with the Judge's Law Clerk as to available dates and prepare orders continuing each matter, consistent with the Blue/Red calendaring system. Proposed orders continuing hearings and agreed orders shall be submitted ex parte. Based on the unforeseen exigent circumstances that exist, the parties may propose orders of continuance and agreed orders without the signature of the Respondent. In such cases, the Juvenile Court Probation Department shall be responsible for communicating to the youth the new date of the hearing.
10. Pursuant to Snohomish County Superior Court Emergency Order #2 Re: Court Operations filed under Cause No. 2020-7-004-31A, the Court finds good cause to extend dependency fact finding hearings beyond the statutory 75-day period and, at this time, all dependency fact finding hearings shall be continued to the next available date after April 24, 2020.

11. For Unified Family Court hearings on Mondays at 10:00 a.m., all matters shall be CONTINUED to a date after April 24, 2020, except for cases where an agreed family law order is ready to be entered or a default for non-appearance/response is requested. All hearings will be conducted telephonically.
12. For Termination Preliminary Hearings and Dependency Preliminary Hearings where service was made by publication and a default motion has been made, the Court will not enter default orders for non-appearance of a party on a date for which a hearing was cancelled under this order.
13. Shelter care hearings will continue to be held daily as needed at 1:15 pm. The parties are encouraged to appear telephonically. Where an agreed order is reached and the shelter care hearing is waived, the Parent(s) waiving the hearing shall appear telephonically to state their intention to waive the hearing on the record. Telephonic appearance will be considered an “appearance in court” for this purpose.
14. All dependency Motions to Shorten Time will be heard only at 2:00 p.m. on Monday, Tuesday and Wednesdays. Scheduling for those dates and times must be made through the Judge’s law clerk. Oral argument is limited to 5 minutes per side. All hearings will be conducted telephonically.
15. Contested dependency motions and other special set motions shall be heard on Mondays, Tuesdays and Wednesdays at 2:15 p.m. and 3:00 p.m. Scheduling for those dates and times must be made through the Judge’s law clerk. The parties shall appear telephonically for these hearings. If testimony is to be taken, advance notice must be provided to the Court and other parties.
16. Non-contested adoption review hearings on Mondays at 8:30 a.m. shall continue to be handled ex parte.

17. Cases scheduled on the Legally Free Calendar on the first and third Friday of each month at 3:00 p.m. will continue to be heard. All cases in which an agreed order is reached by the parties may be submitted ex parte for review by the Judge. In contested cases, the parties are encouraged to appear telephonically.
18. Motions without oral argument in offender and dependency cases may be submitted for review in chambers at 1:00 p.m. on Monday, Tuesday, Wednesday, and Thursday of each week.
19. Where an in-court hearing will be held, given the need to ensure that those attending hearings can socially distance themselves from other participants or members of the public in the limited space in the DJJC courtrooms, parties awaiting their hearing are requested to wait in the lobby until their case is called through the paging system.
20. In all cases in which the parties are ordered to appear telephonically, the party or his/her attorney shall provide the Judge's law clerk with a working telephone number at least one (1) day prior to the hearing. The Court will initiate the call at the time of the hearing, or as soon thereafter as possible given the number of cases to be heard. Each party is responsible for being available at the time of the hearing and for a period of up to one hour after that time. Any party not answering a call from the court at the appointed time will be deemed to have missed the hearing, as though they had not appeared in court. In the event a party does not have access to a telephone, they may appear in the courtroom.

This Order may be further extended or modified.

DATED this 18th day of March, 2020.



Judge Bruce I. Weiss, Presiding Judge